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September 20, 2009

Seattle City Council Members
Planning, Land Use and Neighborhoods Committee
c/o Seattle City Clerk
600 Fourth Ave, 3rd Floor
P.O. Box 94728
Seattle WA, 98124-4728

RE: Clerk File No. 308884, Seattle Children's Proposed Major Institution Master Plan

Dear Council Members, City Council Staff and Assistant City Attorney, Sandra Watson:

This letter is a response to an appeal of the City of Seattle's Hearing Examiner recommendation that City Council deny the proposed Master Plan submitted by Seattle Children's Hospital.

On August 25, 2009, Seattle Children's Hospital (SCH) filed an appeal to the ruling from Seattle's Hearing Examiner which recommended that City Council deny their proposed Master Plan expansion. Plans include expanding boundaries into adjacent multi family residences and that are not permitted by the current zoning laws. In addition, the hospital filed to extend building heights and density.

Current zoning regulations were designed to balance the growth of major institutions with the "livability and vitality" of adjacent neighborhoods and these codes were adopted by Seattle City Council in 1994.

As a participant in giving testimony at this hearing, and a board member of Laurelhurst Community Club, I must refute this tactic of Seattle Children's Hospital to "shoot the messenger" in the following comments. The primary legal tone of this SCH appeal of the Hearing Examiner's decision is to discredit her office's legal standing, and malign her statements as "unreliable" and "unsupported" on Page 7, lines 8 and 16 of their appeal.

Examples of their assertions:

1. Office of The Hearing Examiner regarding findings related to Laurelhurst not being designated an urban village or center.

SCH Appeal, on Page 3, lines 14-18. Reasoning of the Hearing Examiner is accurate Laurelhurst is in fact **not** designated, nor zoned as an "urban village" and does not have the infrastructure to support that level of growth (actually very poor bus service)

- Page 10 of the SCH appeal "The Examiner's use of the urban village policies to deny Children's Master Plan directly contradicts DPD's interpretation of the Major Institution Code".

The HE directly addressed this on page 20, Finding #43 “It is apparent that from the RFEIS Land Use Section that Children’s expansion under the proposed MIMP is inconsistent with the City’s urban village strategy. Children’s seek heights that exceed those of any major institution located outside an urban village or center. The significant, unmitigated traffic, and height, bulk and scale associated with Children’s proposed expansion result largely from the fact that the MIMP proposes development outside an urban village at an intensity that is designed for development within an urban village. Children’s is asking that the proverbial “square peg” be forced into a “round hole”, but it does not fit.”

Further, the Hearing Examiner emphasizes such a fact again in her finding #38, “Although greater than 40 feet, the proposed MIO 160/140 and MIO 160/125 may be considered outside an urban village, but only if the proposed heights would be consistent with the adopted neighborhood plan or the existing built character of the area. SMC 23.34.008 E 4.

Again on Children’s appeals, Page 8, lines 16-18 “The Examiner constructs an argument that boils down to the proposition that because Children’s is located outside of an urban village its master plan cannot be approved”. Laurelhurst is indeed outside an urban village and its master plan is out of scale for such a residential neighborhood. This is precisely what zoning designates, and Seattle Children’s cannot dispute the fact.

2. Office of the Hearing Examiner in balancing major institutions and adjacent neighborhoods.

On page 5, lines 9-22 of the Children’s appeal, it asks City Council to make its own recommendations, regardless of the Hearing Examiner’s findings and recommendations. “Children’s is requesting the Council to review the record before it, apply the applicable provisions and policies of the Major Institution Code, and make its own judgment”...

The Seattle Municipal Code 23.69 and 23.76 requires that the Hearing Examiner give a ruling based on the laws and codes of the Council, and thus the opinion rendered is one that sifts through the original testimony and factual documents and rules upon these in concert, not opposed to the same laws that Seattle City Council adopted in its zoning laws.

The role of The Hearing Examiner is precisely that, to look at the “balance between the institution and the livability and vitality of the neighborhood”. The H.E. is better qualified since her role is to determine the fairness of the process independent of being an elected official, who is subject to political influence. SMC 23.69.025

Children’s appeal states on pages 17-18 that the Hearing Examiner “ignored” the balance between the institution and the adjacent neighborhood, claiming that their institution is basically above the Major Institutions Codes because of its mission of treating sick children. All hospitals treat sick people, and in fact, Harborview treats more sick children and gives out 20% of its care uncompensated, more than SCH.

Using only the function of an institution to justify not offering a plan for expansion within the City of Seattle’s Major Institution Code is a bully’s approach-my way or no way, without regard to the balance to “livability and vitality” of SCH adjacent neighborhoods. SMC 23.69.025

supports the HE conclusions # 2 and #3.”The Major Institutions Code requires more when it comes to ‘need’”

3. Transportation Issues in SCH appeal

On page 27 of its appeal SCH states that it can achieve an SOV reduction to only 30% and that its traffic analysis indicates an additional wait time of only 1 minute. Traffic findings #44, page 20 from the Hearing Examiner (although not incorporating the independent statistics from industry standards used by Gibson Transportation Consultants), “When a major institution that produces thousands of daily trips during peak hours is located in an area with two severely congested transportation corridors that are utilized by 50% of its employees, it may be necessary to explore a less ambitious expansion”

The Hearing Examiner is referring to SR520 access via Montlake Blvd which currently has a 29 minute wait time in peak travel times, and the 3 lane NE 45th Street viaduct which requires 12 stoplights over 2 and a half miles to reach I-5. (8,400 more daily trips without mitigation) HE finding #86.

SCH ignores this in their appeal in addition to the HE finding #27, that their proposed construction timetable must be considered as SR 520 is under construction.
In addition

Building a mega hospital in a residential neighborhood shifts the infrastructure burden to the tight budget of the City of Seattle. The City will be forced to provide more access through its neighborhood arterials as well as greater maintenance on existing roads.

Expanding a facility in an area that is sited miles from a major highway will result in sick children being gridlocked in traffic congestion.

The Appeal by the “Coalition of Major Institutions” should be stricken from the records. None of these institutions were part of the Hearing Examiner’s legal process. Rather, they all have a vested interest in the outcome. If Council allows Seattle Children’s to break the zoning codes, they will be lining up to file their own expansions based on the precedent. The University of Washington recently allied with Northwest Hospital on September 17th and their site is very similar to neighborhoods adjacent to Seattle Children’s.

The Appeal by Dixie and Steve Wilson is another one of their attempts to discredit the role of the Laurelhurst Community Club. Its 14 Board members were recently elected and are active members of their diverse community. Dixie has personally sued the LCC and has been put on a “no contact” status as a result of her misrepresentations of the Club.

The Appeal of The Friends of Children’s Hospital is a PR piece for the Hospital and should be disallowed as they are already represented by Seattle Children’s Appeal.

The Appeal of Laurelon Terrace should be viewed as tainted as they are desperate to receive monies doled out by SCH for their condominiums at twice or more than market value, albeit only if SCH gets all of their requests.

In summary, I strongly endorse the findings of the Office of the Hearing Examiner. By recommending that the MIMP be denied, it sends the message to Seattle Children's Hospital to come up with a more reasonable proposal for their expansion. As noted in all of the documents, SCH did not offer **any** proposal that would work within the Major Institution's Code, but rather expects to win by nature of its clientele and PR campaigns.

If Seattle City Council overturns the findings of the Hearing Examiner, it tells its average citizens that they don't matter. It creates an impossible precedent for neighborhoods without financial resources to stop similar non profits from gobbling up their "livability and viability".

Thank you for your time and thoughtful work in regard to this land use issue, and respect for the citizens who are the heart and taxpaying base of our fine city.

Sincerely,

Colleen McAleer

34 year resident of Seattle's neighborhoods

Laurelhurst Community Club Board of Trustees 2006-present

State Mediation Representative to SR 520 rebuild 2006-present

Advisor to the Dean at Cornell University 2004-present

Cornell Degree in Design and Environmental Analysis and Public Policy

MBA University of Washington

CERTIFICATE OF SERVICE

I certify that on the 21st day of September, 2009, I sent copies of the foregoing document (including this Certificate of Service) by first class mail, by depositing the copies in the U.S. mail, with proper postage affixed, or electronically at the addresses listed below.

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I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 21st day of September, 2009, at Seattle, Washington.



Colleen McAleer